IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 5821 of 2007(R)

CRIME NO.450/07 OF THRISSUR TOWN EAST POLICE STATION

PETITIONER/ACCUSED

RAVI KARUNAKARAN, AGED 35 YEARS,
S/O. KARUNAKARAN NAIR, LAKSHMI SADAN,
P.O.AMAYUR, PATTAMBI, PALAKKAD.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS: COMPLAINANT
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1. STATE, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE STATION HOUSE OFFICER,
THRISSUR TOWN EAST POLICE STATION,
(CRIME NO.450 OF 2007), THRISSUR.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.
SRI.K.G.BALASUBRAMANIAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5821 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations of matrimonial cruelty punishable under Sec.498A of the IPC. A direction was issued that certain articles which are allegedly available with the petitioner must be handed over to the de facto complainant by the petitioner. According to the petitioner, all such articles admittedly available have already been handed over and an acknowledgment obtained in the presence of the Investigating Officer. The learned Public Prosecutor confirms that this has been done though the dispute as such has not been settled finally. The marriage took place only on 13/11/06.

2. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that the petitioner can be granted anticipatory bail subject to appropriate conditions.

3. In coming to this conclusion, I take note of the fact that the arrest and incarceration of the petitioner is likely to mar all chances of harmonious settlement of matrimonial disputes. I do also take note of the stand taken by the learned Public Prosecutor that no injury has resulted from the alleged cruelty inflicted. Appropriate conditions can, of course, be imposed.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 23/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 24/10/07 and 25/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available

for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 23/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 23/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge